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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,898	02/17/2005	Wilhelm Ernst Riedl	PTU020010	8416

24498 7590 04/07/2006

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EXAMINER

BEAMER, TEMICA M

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/524,898	Applicant(s) RIEDL ET AL.	
	Examiner Temica M. Beamer	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Reassignment Affecting Application Location***

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Magana, U.S. Patent No. 6,134,227.

Regarding claim 1 Magana discloses a digital, non spread spectrum, cordless telephone, comprising: a baseband circuit consisting of non-application specific circuitry, the non-application specific circuitry including Continuous Variable Slope Delta Modulation (CVSD) circuitry for encoding and decoding voice data (col. 1, lines 35-45); a non-frequency for transmitting the voice data at a Radio Frequency (RF) transmit

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power inherently greater than 0dbm using a single division duplex technology, the single division duplex technology being FDD technology (col. 1, lines 35-45, col. 2, lines 21-37 and col. 5, line 50-col. 6, line 10).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magana.

Regarding claim 2, Magana discloses the digital cordless telephone of claim 1 as described above. Magana, however, fails to disclose wherein said transmitter limits the Power Spectral Density (PSD) of voice data transmissions to +8dbm in any 3kHz bandwidth.

Magana, however, does teach that the transmitter has power control circuitry (col. 9, lines 25-35).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Magana with the claimed power limitations since it is known that if a general teaching is disclosed, implementing workable ranges (power range) would require only routine skill in the art.

Regarding claim 6, Magana discloses the digital cordless telephone according to claim 1 as described above. Magana, however, fails to specifically disclose FCC compliance.

The examiner contends, however, that at the time of invention, to implement such a feature would have been obvious to a person of ordinary skill in the art in order to allow the system to be "legally" used.

7. Claims 3, 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magana in view of Needle et al (Needle), U.S. Patent No. 5,091,941.

Regarding claims 3 and 4, Magana discloses the digital cordless telephone according to claim 1 as described above. Magana, however, fails to disclose wherein said baseband circuit further comprises: a self-synchronizing scrambler for scrambling the voice data; and a self-synchronizing de-scrambler for unscrambling the voice data wherein the scrambler and de-scrambler comprise a polynomial generator.

In a similar field of endeavor, Needle discloses a secure voice data transmission system. Needle further discloses the use of a voice scrambler and voice de-scrambler comprising polynomial generators (bits) (col. 2, lines 1-14, col. 3, lines 1-24).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Magana with the teachings of Needle for the purpose of having a secure communication.

Regarding claim 7, Magana discloses encoded voice data using Variable Slope Delta Modulation; and transmitting the scrambled voice data using Frequency Division

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Duplex (FDD) and at a Radio Frequency (RF) transmit power greater than Odbm (col. 1, lines 35-45, col. 2, lines 21-37 and col. 5, line 50-col. 6, line 10).

Magana, however, fails to disclose scrambling encoded voice data using a non SST.

Needle discloses the use of a voice scrambler (col. 2, lines 1-14, col. 3, lines 1-24).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Magana with the teachings of Needle for the purpose of having a secure communication.

Regarding claim 8, the combination of Magana and Needle discloses the method of claim 7 as described above. The combination, however, fails to disclose, wherein said transmitting step limits the Power Spectral Density (PSD) of the transmitted scrambled voice data to +8dbm in any 3kHz bandwidth.

Magana, however, does teach that the transmitter has power control circuitry (col. 9, lines 25-35).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Magana with the claimed power limitations since it is known that if a general teaching is disclosed, implementing workable ranges (power range) would require only routine skill in the art.

Regarding claim 9, the combination of Magana and Needle discloses the method of claim 7 as described above.

The combination of Magana and Needle, however, fails to specifically disclose FCC compliance.

The examiner contends, however, that at the time of invention, to implement such a feature would have been obvious to a person of ordinary skill in the art in order to allow the system to be “legally” used.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Magana in view of Stevenson, U.S. Patent No. 6,674,812.

Regarding claim 5, Magana discloses the digital cordless telephone according to claim 1 as described above. Magana, however, fails to disclose, wherein said baseband circuit further comprises a clock recovery circuit for generating a clock recovery signal based on an Exclusive-OR logic operation performed on the voice data and a time delayed version of the voice data, the clock recovery signal consisting of a plurality of pulses aligned with rising and falling edges of the voice data.

In a similar field of endeavor, Stevenson discloses high IF frequencies with a lower frequency logic based FSK modulation selecting a harmonic alias and demodulation using sampling techniques. Stevenson further discloses the limitations of claim 5 (col. 5, lines 46-52, col. 12, lines 40-56).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Magana with the teachings of Stevenson for the purpose of providing precision to the communication path.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer  
Primary Examiner  
Art Unit 2617

tmb



TEMICA BEAMER  
PRIMARY EXAMINER

4/11/06